

NEW DIRECTIONS

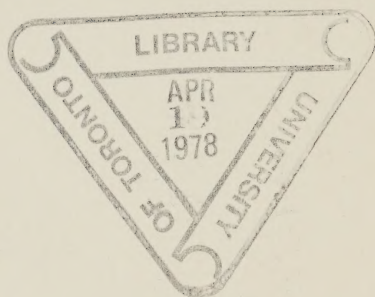
A Look at Canada's Immigration Act and Regulations

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Available in English under the title,
**"NEW DIRECTIONS
A Look at Canada's Immigration
Act and Regulations"**

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PREFACE

Every year, millions of people enter Canada at airports, sea or inland ports, and border crossings. Some are visitors — tourists, business people, foreign students, workers and other travellers — who come to stay for only a short time. Others are Canadian citizens or permanent residents returning from trips abroad. And still others are immigrants, coming to make Canada their new home.

All of these people are affected in some way by Canada's new immigration law, as expressed in the 1976 Immigration Act and Regulations, proclaimed in April 1978. The purpose of this booklet is to present the highlights of the new law in a way that will help Canadians and others more easily understand its major provisions and overall objectives.

However, this is not a legal document. Readers who require legal interpretations should consult the 1976 Immigration Act and Regulations, available from the Department of Supply and Services, 45 Sacré-Coeur Blvd., Hull, Québec, Canada.

APRIL 1978

Every year, millions of people enter Canada at airports, sea or inland ports, and border crossings. Some are visitors — tourists, business people, foreign students, workers and other travellers — who come to stay for days or weeks. Others are Canadian citizens or permanent residents returning from abroad. And still others are immigrants coming to make Canada their new home.

All of these people are affected in some way by Canada's new immigration law, as set out in the Immigration Act and Regulations. The purpose of this document is to explain the highlights of the new law in a way that will help Canadians and others who wish to understand the major provisions and overall objectives.

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A BACKWARD GLANCE:

Genesis of a New Law

The Need for Modern Legislation

Canada has needed a new immigration law for a long time. The previous Immigration Act, adopted in 1952, was an outgrowth of legislation dating back to the turn of the century and, understandably, reflected many of the attitudes, circumstances and conditions of an earlier era.

The old Act contained many archaic provisions — it prohibited the admission of groups such as epileptics and the mentally ill; it took a harsh approach to deportation; and it permitted refusal of immigrants on the basis of nationality, citizenship, ethnic group, occupation, class or geographical area. Though most of these provisions had been abandoned in practice for many years, they were still, in theory at least, enforceable.

Also, the previous legislation did not envision the threats to peace and security posed by international terrorism and organized crime. And, of course, hijackers were still an unknown hazard.

Canada's new Immigration Act introduces the changes needed to deal with these problems and brings our immigration policy and programs up-to-date with the realities and attitudes of modern-day Canada. It was written around such fundamental principles as non-discrimination; family reunion; humanitarian concern for refugees; and the promotion of Canada's social, economic, demographic, and cultural goals.

The new Act is the product of more than four years of intensive study and cooperative effort by all levels of government. It incorporates the thinking of thousands of individual Canadians and organizations who offered suggestions to the Minister or participated in hearings, seminars and conferences held in communities from coast to coast.

Development of the Act

In September 1973, the federal government began an in-depth review of immigration policy as the first step towards a new national immigration policy for Canada. During the review, briefs and letters submitted by national organizations, provincial authorities and members of the public were studied, and a series of discussion documents, referred to collectively as the Green Paper on Immigration, was prepared.

The Green Paper explained the 1952 law and discussed domestic and international challenges facing future immigration programs. It became the focal point for an unprecedented national debate on immigration objectives and policy.

Following the release of the Green Paper, a special joint committee of the Senate and House of Commons was set up to conduct a country-wide program of hearings, conferences and seminars and report its findings to Parliament. Over 90 per cent of the Committee's recommendations were later incorporated into the Immigration Bill, which was tabled before Parliament on November 24, 1976.

After second reading, followed by clause-by-clause analysis, and, subsequently, third and final reading, the Bill was passed by the House of Commons and the Senate. On August 5, 1977, the Bill received Royal Assent from the Governor-General, and came into effect upon proclamation in early April, 1978.

AT FIRST SIGHT:

Highlights of the 1976 Act

The 1976 Immigration Act and Regulations brings Canada's immigration policy and practices into much sharper focus than ever before — introducing many new features and reinforcing, expanding or clarifying parts of the previous law that were still valid and useful.

At a glance, the new Act:

- states, for the first time in Canadian law, the basic principles underlying immigration policy — non-discrimination, family reunion, humanitarian concern for refugees, and the promotion of national goals;
- links the immigration movement to Canada's population and labour market needs;
- provides for an annual forecast of the number of immigrants Canada can comfortably absorb, to be made in consultation with the provinces and other groups;
- establishes a "family class", allowing Canadian citizens to sponsor a wider range of close relatives;
- confirms Canada's commitment and responsibilities to refugees under the United Nations Convention and establishes a new "refugee class";
- requires immigrants and visitors to obtain visas or authorizations abroad, and prohibits visitors from changing their status from within Canada;
- introduces security measures to protect Canada from international terrorism and organized crime;
- safeguards the civil rights of immigrants and visitors through an improved inquiry and appeal system;
- provides less drastic alternatives to deportation for cases involving minor violations of immigration law; and
- states in specific terms the powers granted to the government and its officials.

A CLOSER LOOK:

The Act in More Detail

In the following pages, we will examine these highlights in more detail and see how the Act, while providing definite guidelines for immigration policy and procedures, is flexible enough to adapt to changing circumstances in Canada's social and economic climate.

Managing The Volume of Immigration

Establishing Levels

Nowhere is the flexibility of the Act more evident than in its approach to managing the level of immigration to Canada.

The 1952 Act remained silent on how many immigrants Canada could comfortably absorb during any given period of time. As a result, the number of immigrants admitted from year to year fluctuated widely, ranging from a high of 282,000 in 1957 to a low of just over 70,000 in the early sixties. Such variations contributed to problems in labour market planning and increased the strain on housing, schooling and other community services in some areas.

To help solve these problems, the new Act contains provisions relating immigration to Canada's labour market needs and long-term planning for the size, rate of growth, and geographic distribution of our population. Section 7 of the Act requires the Minister — after consulting with the provinces and other appropriate organizations and institutions — to announce annually the number of immigrants Canada plans to admit over a specified period.

This target figure will be flexible enough to be modified, if necessary, to adapt to changing circumstances, such as increased unemployment or new trends in population distribution.

One important thing to understand about the annual level is that it is a global limit, not a country-by-country quota. People with comparable qualifications from anywhere in the world where it has been possible to establish immigration offices have an equal chance to settle in Canada — providing, of course, they can meet Canadian selection and admission standards.

Consultation and Agreements with the Provinces

Immigration accounts for much of Canada's population growth and geographic development, and can have a strong impact on regional and provincial planning.

For these reasons, section 109 of the new Act provides a legal base for the federal government to consult the provinces regarding the distribution and settlement of immigrants in each area of the country. This will enable immigration to correspond more closely to local requirements. This section of the Act also permits formal federal-provincial agreements to be made on other aspects of immigration policy and programs.

Who Can Immigrate to Canada

Sections 3, 5, and 6 of the Act state that the principles concerning admission of immigrants to Canada are to be applied without discrimination on grounds of race, national or ethnic origin, colour, religion or sex. However, applicants must apply abroad and will continue to be selected according to universal standards designed to assess their ability to adapt to Canadian life and settle successfully.

Because hundreds of thousands of applications are received from prospective immigrants each year, a broad processing priority system has been established. Under this system, and in keeping with the principles of family reunion and compassion for refugees, immediate family members and refugees receive the highest priority.

Admissible Classes

Section 6 of the Act sets forth three basic classes of admissible immigrants — the family class, Convention refugees, and independent and other immigrants who apply on their own initiative.

I - *Family Class* - the family class is roughly the same as the sponsored class in the previous law. The major difference is that Canadian citizens may now sponsor parents of any age or circumstance, not just those who are over 60, widowed or unable to work.

Anyone who is at least 18 and is a Canadian citizen or permanent resident may sponsor certain close relatives under the family class. Relatives eligible to apply under this class include the sponsor's:

- spouse and spouse's accompanying unmarried children under 21;
- unmarried children under 21;
- parents or grandparents 60 or over, plus any accompanying dependants (Canadian citizens over 18 may sponsor parents of any age);
- parents or grandparents under 60 who are widowed or incapable of working, plus any accompanying dependants;
- unmarried orphaned brothers, sisters, nephews, nieces, or grandchildren under 18; and
- fiancé(e) and accompanying unmarried children under 21.

Others eligible to apply include:

- any child under 13 who is an orphan, abandoned child, or child placed with a child welfare authority whom the sponsor intends to adopt; or

- one relative, regardless of age or relationship to the sponsor, plus accompanying dependants, *if* the sponsor has no close relatives living in Canada and cannot otherwise sponsor anyone.

Family class applicants are not assessed under the point system, but they must meet the basic standards of good health and character. And, before an immigrant visa can be issued, the sponsoring relative in Canada is required to sign a statement promising to provide for the lodging, care and maintenance of the applicant and accompanying dependants, for a period of up to ten years.

II - *Convention Refugees* - the newly-created refugee class is based on the following definition from the United Nations Convention and Protocol Relating to the Status of Refugees:

A “Convention refugee” is “any person who by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, (a) is outside the country of his nationality and is unable or, by reason of such fear, is unwilling to avail himself of the protection of that country, or (b) not having a country of nationality, is outside the country of his former habitual residence and is unable or, by reason of such fear, is unwilling to return to that country.”

In addition to establishing a refugee class, the Act confirms, in domestic law, Canada’s international obligations to protect refugees under the UN Convention. The key provisions of that Convention, reflected in sections 45 to 47 and 55 of the Act, are:

Convention refugees legally in Canada may not be removed unless they are a threat to national security or public order.

Any decision to remove a Convention refugee must be reached in accordance with due process of law.

Unless they are a danger to Canada's security or have been convicted of a serious crime, Convention refugees cannot be removed to a country where their lives or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular group.

Convention refugees seeking resettlement in Canada are assessed according to the same factors used to select independent applicants, but they do not receive a point rating. Instead, the assessment is used to evaluate their general ability to adapt successfully to Canadian life. This, and the amount of settlement assistance available to them from government or private organizations in this country, determines whether or not they can be admitted to Canada under the refugee class.

In order for their assistance to be taken into consideration during the selection process, non-government organizations offering to help Convention refugees come to Canada, or get settled here, must promise to provide them with food and shelter for a period of one year.

Recognizing that there are many persecuted and displaced people around the world who do not technically qualify as refugees under the UN definition, section 6 of the Act reflects Canada's humanitarian tradition by authorizing their admission under relaxed selection criteria in times of crisis. This enshrines in law the policy which has permitted the admission of groups such as the Ugandan Asians, Lebanese, and people affected by the war in Cyprus.

III - Independent and Other Immigrants - the third class of admissible immigrants corresponds to the nominated and independent classes of the previous Act and includes assisted relatives, retirees, entrepreneurs, the self-employed, and other independent immigrants applying on their own initiative.

Assisted relatives are people, other than members of the family class, who have kin in Canada willing to help them get established here. Relatives eligible to apply under this category include the Canadian resident's brothers and sisters, parents and grandparents, children and grandchildren, aunts and uncles, nieces and nephews, and any dependants accompanying these relatives.

To immigrate as an entrepreneur, a person must intend to operate a business in Canada that will employ five or more Canadian citizens or permanent residents, and be able to establish a controlling interest in that business. A self-employed person, on the other hand, is someone who intends to establish a business that will employ five or fewer Canadian residents, or who will contribute to the cultural and artistic life of Canada. To qualify as a retiree, a person must be at least 55 years of age and have no intention of working in Canada.

Except for retirees, immigrants in this class are assessed against selection criteria in the point system.

The Point System

Immigration selection criteria, authorized under section 115 of the new Act and detailed in the point system, are much the same as in the previous legislation, but the composition and weighting of various factors have been revised to bring immigration more in line with Canadian labour market needs. More emphasis is placed on practical training, experience and capability, so that employment-related factors now account for almost half of the total possible rating points that can be awarded.

Not every independent applicant has to meet all ten selection criteria. Applicants are assessed only according to those factors which actually relate to their ability to become successfully established in Canada. For example, entrepreneurs, who create jobs for Canadians, are not assessed on occupational demand or arranged employment factors. And, immigrants who intend to be self-employed are not required to meet the arranged employment factor. In fact, any self-employed person whom the visa officer feels will become successfully established in business in Canada may receive ten extra rating points.

Assisted relatives are not rated on the arranged employment, location, or language factors, because they have relatives in Canada who have signed statements promising to support them for a period of five years.

Also, retired persons, though considered part of this third class, are not evaluated on any of the point-rated standards; instead, they are selected under general criteria regarding their intended destination in Canada, presence of friends or relatives there, language proficiency, personal suitability and financial stability. All other immigrants in the third class are rated on all factors in the point system.

In order to be admitted to Canada as a permanent resident, every immigrant selected according to the point system must receive a minimum number of assessment points. Entrepreneurs must be awarded at least 25 points. Assisted relatives must earn 20 to 35 points, depending on how they are related to the Canadian resident who has promised to help them. All other applicants rated under the point system must earn 50 points, out of a possible 100, before they can be issued immigrant visas.

In addition to earning a minimum number of points, applicants must meet certain mandatory requirements regarding the job experience and occupational demand factors. For example, any applicant who does not receive at least one point for the job experience factor must either have a pre-arranged job in Canada and a signed testament of the prospective employer's willingness to hire an inexperienced person, or be qualified and prepared to work in a designated occupation (one in an area of Canada identified as having a shortage of workers in that occupation).

Furthermore, except for entrepreneurs and the self-employed, immigrants selected under the point system must be awarded at least one point for occupational demand — unless they have arranged employment in Canada or are willing to work in a designated occupation.

The following chart, adapted from the Regulations, summarizes the point system.

IMMIGRATION SELECTION CRITERIA*

A Summary of the Point System

Factors	Criteria	Max. Points	APPLICABLE TO:			
			self-employed	entrepreneurs	assisted relatives	others
1. Education	One point for each year of primary and secondary education successfully completed.	12	•	•	•	•
2. Specific Vocational Preparation	To be measured by the amount of formal professional, vocational, apprenticeship, in-plant or on-the-job training necessary for average performance in the occupation under which the applicant is assessed in item 4.	15	•	•	•	•
3. Experience	Points awarded for experience in the occupation under which the applicant is assessed in item 4 or, in the case of an entrepreneur, for experience in the occupation that the entrepreneur is qualified for and is prepared to follow in Canada.	8	•	•	•	•
4. Occupational Demand	Points awarded on the basis of employment opportunities available in Canada in the occupation that the applicant is qualified for and is prepared to follow in Canada.	15	•	•	•	•
5. Arranged Employment or Designated Occupation	Ten points awarded if the person has arranged employment in Canada that offers reasonable prospects of continuity and meets local conditions of work and wages, <i>providing</i> that employment of that person would not interfere with the job opportunities of Canadian citizens or permanent residents, and the person will likely be able to meet all licensing and regulatory requirements; <i>or</i> the person is qualified for, and is prepared to work in, a designated occupation and meets all the conditions mentioned for arranged employment except that concerning Canadian citizens and permanent residents.	10				•

		APPLICABLE TO:
		self-employed entrepreneurs assisted relatives others
Factors	Criteria	Max. Points
6. Location	Five points awarded to a person who intends to proceed to an area designated as one having a sustained and general need for people at various levels in the employment strata and the necessary services to accommodate population growth. Five points subtracted from a person who intends to proceed to an area designated as not having such a need or such services.	5
7. Age	Ten points awarded to a person 18 to 35 years old. For those over 35, one point shall be subtracted from the maximum of ten for every year over 35.	10
8. Knowledge of English and French	Ten points awarded to a person who reads, writes and speaks both English and French fluently. Five points awarded to a person who reads, writes and speaks English or French fluently. Fewer points awarded to persons with less language knowledge and ability in English or French.	10
9. Personal Suitability	Points awarded on the basis of an interview held to determine the suitability of the person and his/her dependants to become successfully established in Canada, based on the person's adaptability, motivation, initiative, resourcefulness and other similar qualities.	10
10. Relative	Where a person would be an assisted relative, if a relative in Canada had undertaken to assist him/her, and an immigration officer is satisfied that the relative in Canada is willing to help him/her become established but is not prepared, or is unable, to complete the necessary formal documentation to bring the person to Canada, the person shall be awarded five points.	5

**Members of the family class and retirees are not selected according to these criteria; Convention refugees are assessed against the factors listed in the first column but do not receive a point rating.*

How the Act Affects Visitors

Visas and Authorizations

Foreign students, temporary workers, tourists, business people and others visiting Canada for legitimate purposes continue to be welcome under sections 5 and 14 of the new Act. However, under section 9, some visitors need a visitor's visa to enter the country. And, section 10 requires most visitors coming to Canada as students or temporary workers to have both a special authorization and a visa.

It is the responsibility of potential visitors to check with a Canadian government office abroad to find out how they may be affected by visa regulations. In most cases, those needing visas or authorizations must obtain them abroad *before* coming to Canada.

When applying for a visa abroad, potential visitors should be prepared to present a valid passport or other authorized travel document to immigration officials. In addition, people applying for student authorizations must be able to show evidence of their acceptance at a university, college or other institute of learning, and be able to demonstrate that they have enough money to support themselves in Canada while studying. Temporary workers must submit a bona fide job offer from a Canadian employer, for a job which cannot be filled by a Canadian citizen or permanent resident, before an employment authorization will be issued.

Change of Status

Once admitted, visitors may not normally change their status. For example, a person admitted as a tourist may not take a job or become a student or permanent resident. Similarly, temporary workers cannot change jobs, and foreign students cannot change schools or courses of study without first applying for an amended authorization. And, all visitors who stay in Canada after their authorized period of stay has expired will be in violation of the Act and subject to removal.

What Happens at the Port of Entry

Interviews and Examinations

Under section 12 of the Act, all people seeking to come into Canada — whether visitors, immigrants, or returning residents — are to be questioned by an immigration officer at the port of entry. In the case of immigrants seeking permanent resident status, or visitors intending to study or work temporarily in Canada, a more in-depth interview and a medical examination may be required before admission will be granted.

It should be noted that possession of a visa and/or authorization does not guarantee admission to Canada. The examining officer at the port of entry must be satisfied that the visa or authorization is valid, that circumstances regarding the individual have not changed since the visa/authorization was issued, and that the visitor's presence in Canada will not contravene any of the provisions of the Immigration Act or Regulations.

Security Deposits

When in doubt concerning the intention of a visitor to live up to the terms and conditions of admission, the examining officer may still grant entry, if the visitor, or someone acting in that person's behalf, can deposit a sum of money or other security to guarantee that the terms of admission will be met. The deposit will be returned as soon as possible after all entry conditions have been fulfilled.

Inadmissible Classes

Section 19 of the Act prohibits the admission of people who pose a threat to public health, safety, order, or national security. Also refused entry are those who fail to meet selection criteria and other requirements, such as having a visible means of support and valid travel documents.

The new Act does away with many of the prohibited classes in the previous Act and substitutes objective standards that reflect modern conditions and attitudes. For example, exclusions on health grounds are now based solely on danger to public health or safety, or excessive demands on health or social services in Canada.

And, a new objective standard has been established to determine inadmissibility on criminal grounds, based on the sentence that could be given for equivalent offences under Canadian law, and taking into account the possibility of admission following rehabilitation.

Section 19 of the Act also protects the Canadian public by providing for the exclusion or removal of participants in organized crime and would-be terrorists and hijackers.

Controlling Illegal Immigration

To discourage people from coming to Canada as visitors with the intention of residing and working here illegally, section 10 of the Act requires most visitors wishing to work or study in Canada to obtain authorization from a visa officer abroad *before* seeking admission. And, with very few exceptions, visitors already in Canada are not eligible to apply for employment or enroll in educational institutions. Any visitor who does so can be required to leave Canada.

Further, it is an offence for a Canadian employer to knowingly hire anyone not authorized to work here. This ties in with Canada's Social Insurance Number system, which identifies people who are not citizens or permanent residents, thereby alerting the employer that such people must possess valid employment authorizations to work legally in Canada.

Who May be Asked to Leave

Any temporary worker, foreign student, other visitor, or permanent resident who does not fulfill the conditions of a visa or authorization, or is in violation of the Immigration Act and Regulations or any other Canadian law, may be asked to leave Canada.

Deportation and Alternatives

While the 1976 Act retains deportation as a means by which people can be expelled from Canada, in sections 20, 32 and 57, it introduces two less drastic alternatives — the exclusion order and the departure notice.

This means that, instead of deporting a person at the border for some minor offence, such as improper or incomplete identification, the immigration officer can allow the person to leave voluntarily or request that an exclusion order be issued, barring that person's admission for one year. Or, if a visitor already in Canada has committed a minor infraction of immigration law, a departure notice may be issued in lieu of a deportation order. Once that person has fulfilled the terms of the departure notice, it has no further effect, and the person may reapply for entry at any time.

Deportation — a permanent bar to future admission (unless removed by the Minister) — is now reserved for those who commit serious violations of the Immigration Act or other Canadian laws.

Loss of Permanent Resident Status

Under section 4 of the new Act, permanent residents (people who have been granted landing but have not become Canadian citizens) still have the right to re-enter and remain in Canada after a temporary absence. However, as stipulated in section 24, they can lose this right by committing deportable offences under immigration law, or by abandoning their Canadian residency.

Permanent residents will be presumed to have abandoned Canadian residence if they spend more than a total of 183 days outside Canada in any twelve-month period — unless they can satisfy an immigration officer that they did not intend to abandon Canada. Permanent residents who expect to be travelling, studying, or on business away from Canada for extended periods are advised to apply for a Returning Resident Permit, provided for in section 25 of the Act.

Possession of a Returning Resident Permit is not mandatory, but if presented at the border, and in the absence of evidence to the contrary, it is accepted as proof that the holder did not intend to abandon permanent residency in Canada. After 183 days outside the country, returning residents without a permit may lose their permanent resident status and/or be refused re-entry to Canada.

Inquiries and Appeals

The Role of Adjudicators

Anyone refused entry to Canada, or asked to leave once here, has the right to be heard at an immigration inquiry. Such inquiries, authorized by sections 23, 27 and 28 of the Act, are presided over by adjudicators — officers specially trained in immigration and related elements of civil and criminal law and hired to conduct immigration hearings.

After carefully weighing the evidence presented by both the government's case presenting officer and the person concerned, the adjudicator renders an objective decision in accordance with the provisions of the Immigration Act and Regulations.

Under section 32 of the Act, if the adjudicator rules in favour of the subject of the inquiry, that person will be permitted to come into or remain in Canada. If, on the other hand, the decision goes against the subject, the adjudicator will issue that person a deportation order, departure notice, or exclusion order. In certain cases, the person concerned may appeal the adjudicator's decision to the Immigration Appeal Board.

The Immigration Appeal Board

Section 59 of the new Act preserves the independent status and functions of the Immigration Appeal Board, a group of seven to 18 members appointed by the Governor-in-Council, charged with the responsibility of hearing and

determining all immigration appeals. However, some changes have been introduced in the appeal system and composition of the Board.

Under section 72 of the Act, anyone possessing a valid immigrant or visitor visa, who is seeking admission to Canada, can appeal a removal order issued at the port of entry. This section also gives Convention refugees and permanent residents the right to appeal an exclusion or deportation order.

Section 79 allows Canadian citizens to appeal a refusal to admit relatives in the family class whom they have sponsored. And under section 70, persons denied refugee status by the Minister may now seek a redetermination of their status from the Board, independent of any appeal against a removal order.

Special Security Provisions

The growth of international terrorism and organized crime in recent years has posed a new and serious threat to Canada's security. Therefore, sections 39 to 42 of the 1976 Act introduce provisions permitting the exclusion or removal of people who threaten to disrupt public order and national security.

If the Minister responsible for immigration and the Solicitor General of Canada have information about visitors or prospective immigrants involving subversive, criminal, or terrorist activities, and if the information cannot be revealed at a public inquiry because it would endanger national security or information sources, they may jointly file a certificate to that effect. When the certificate is verified by an adjudicator, it constitutes sufficient evidence to issue a removal order. The Act requires that any such use of Ministerial certificates must be reported to Parliament.

Security provisions relating to permanent residents contain special safeguards. If the Minister and the Solicitor General are both satisfied that confidential information in their possession cannot be publicly revealed, and that it

makes a permanent resident subject to removal because of subversion, serious criminality or terrorism, they can so report to a newly-established three-member Special Advisory Board.

The three-member Board, one member of which must be a retired Superior Court judge, reviews the information, gives the person concerned an opportunity to be heard, and recommends to Cabinet whether or not the person should be deported. These procedures would be invoked against a permanent resident only in the most serious cases.

Safeguarding Law and Order

Offences and Punishment

Section 95 of the Act lists specific immigration offences which are punishable, on conviction, by a fine, a term of imprisonment, or both. For example, it is an offence to enter Canada at any place other than a port of entry without reporting to an immigration officer, or to gain admission through the use of a false or improperly obtained passport, visa or other document. It is also an offence to violate the terms or conditions under which entry was granted, or to knowingly make any false or misleading statements at an immigration examination or inquiry.

And, as already mentioned, it is a serious offence for a Canadian employer to knowingly hire any person who is not a Canadian citizen or permanent resident and is not authorized to work legally in Canada.

Arrest and Detention

Persons awaiting examination, inquiry or execution of removal orders who, in the opinion of the Deputy Minister or a senior immigration officer, pose a danger to the public or would fail to appear, may be arrested and detained until immigration proceedings begin.

IN PERSPECTIVE:

Some Concluding Remarks

The Canadian government feels that the 1976 Immigration Act is a fair and just law which recognizes that, in any immigration policy, there are obligations on the part of both the host country and the immigrant or visitor. Under the Act, Canada welcomes both immigrants and visitors and ensures that, once they become permanent residents, immigrants have access to the same opportunities as native-born Canadians.

But, at the same time, the Act works in the interest of Canada — to tie the number and distribution of immigrants more closely to national and regional population goals and labour market needs, and to protect the health and safety of Canadian residents from those who would threaten it.

A DEFINITIVE VIEW:

Glossary of Immigration Terms

adjudicator — a person employed under the Public Service Employment Act to preside over immigration hearings.

assisted relatives — immigrants, other than members of the family class, with close kin in Canada willing to help them become established in this country (see the section entitled “admissible classes” for a list of eligible relatives).

authorization — see “employment authorization” or “student authorization”.

Canadian citizen — a person who was born in Canada or who has applied through the Department of the Secretary of State and has received a citizenship certificate.

Convention refugee — anyone who fits the following UN definition, “any person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, (a) is outside the country of his nationality and is unable or, by reason of such fear, is unwilling to avail himself of the protection of that country, or, (b) not having a country of nationality, is outside the country of his former habitual residence and is unable, or by reason of such fear, is unwilling to return to that country.”

designated occupation — an occupation in a locality or area in Canada designated by the Minister, after consultation with the relevant provincial authority, as a locality or area in which workers in that occupation are in short supply.

departure notice — a notice issued to a visitor in Canada, who has committed a minor infraction of immigration law, asking that person to leave the country, but permitting reapplication for admission.

dependants — the spouse and unmarried children under 21 of a potential immigrant or visitor to Canada.

deportation order — a removal order issued to someone who has committed a serious violation of Canadian law, permanently barring future admission to Canada unless removed by ministerial consent.

employment authorization — a document issued by an immigration officer, authorizing a visitor to work temporarily in Canada.

entrepreneur — an immigrant who intends to operate a business in Canada that will employ five or more Canadian citizens or permanent residents, and has the ability to establish a controlling interest in that business.

exclusion order — a removal order issued to someone at the border for a minor offence, such as incomplete documentation, barring readmission for one year.

family class — the class of admissible immigrants made up of close relatives of a sponsor in Canada (see the section entitled “admissible classes” for a list of specific family class members).

immigrant — a person who seeks landing in Canada.

landing — lawful permission to come into Canada to establish permanent residence.

permanent resident — someone who has been granted landed status but has not become a Canadian citizen.

refugee — see “Convention refugee”.

removal order — an exclusion or deportation order, requiring someone to leave Canada.

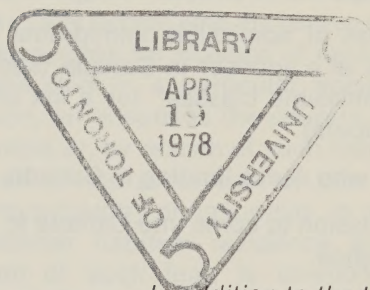
retired person — an immigrant who is at least 55 years of age and does not intend to seek or accept employment in Canada.

self-employed person — an immigrant who intends to establish a business in Canada that will employ five or fewer Canadian citizens or permanent residents, or who will contribute to the cultural and artistic life of Canada.

sponsor — a person who sponsors an application for landing made by a member of the family class.

student authorization — a document issued by an immigration officer authorizing a visitor to take an academic, professional, or vocational training course at a Canadian university, college or other institution.

visitor — a person, other than a Canadian citizen or permanent resident, who is lawfully in Canada, or seeks to come to Canada, for a temporary purpose.



*In addition to the two official languages,
this booklet is available in:*

Chinese
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German
Greek
Italian
Polish
Portuguese
Serbian
Spanish
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